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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRUCE LEE WOLFBLACK,

Defendant.

CR 16-85-BLG-DLC

OFFER OF PROOF

The defendant, Bruce Lee Wolfblack, is charged by indictment with assault with a dangerous weapon, in violation of 18 U.S.C. §§ 1153(a) and 113(a)(3) –

count I; and assault resulting in serious bodily injury, in violation of 18 U.S.C. §§ 1153(a) and 113(a)(6) – count II.

PLEA AGREEMENT

There is no plea agreement. The defendant will plead guilty to the indictment. Resolution of the case without a plea agreement is the most favorable resolution for the defendant. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF CHARGE

In order for Wolfblack to be found guilty of assault with a dangerous weapon, as charged in count I of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant is an Indian person;

Second, the assault occurred in Indian Country;

Third, the defendant intentionally struck and wounded the victim;

Fourth, the defendant acted with intent to do bodily harm to the victim; and

Fifth, the defendant used a dangerous weapon, a cellular telephone.

In order for Wolfblack to be found guilty of assault resulting in serious bodily injury, as charged in count II of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant is an Indian person;

Second, the assault occurred in Indian Country;

Third, the defendant intentionally struck and wounded the victim; and

Fourth, the victim suffered serious bodily injury.

PENALTY

Each offense carries a maximum punishment of ten years imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On October 13, 2015, Bruce Wolfblack assaulted his mother with her cellular telephone. Wolfblack was drunk at the time. The assault occurred in the family home, in Hardin, within the boundaries of the Crow Indian Reservation.

Earlier in the day, Wolfblack was driving a truck that his wife used to drive back and forth to work. When Wolfblack did not return the truck in time for his wife's shift, Wolfblack's mother agreed to give her a ride. While driving her to work, Wolfblack's mother passed Wolfblack driving toward the house. She turned around and followed Wolfblack back to a residence. He was drunk and belligerent, and he refused to give either his mother or his wife the car keys. His

wife eventually found the keys in the back seat of the truck but the truck was out of gas. Wolfblack's mother told Wolfblack that she was going to call the police, and she drove Wolfblack's wife to work. She then went to get her husband to help her get the truck home – it was stranded at a nearby residence – and she noticed that the passenger window was broken.

Wolfblack's mother, her husband, and her one-year old grandson were at home when Wolfblack returned home. He threatened his mother's husband and demanded that his mother give him her phone. When she refused, Wolfblack pushed her onto the bed causing her to land on top of her grandson that she was holding at the time. Wolfblack got the phone away from his mother and hit her with it in the left eye area. She was still holding her grandson when Wolfblack was striking her. His mother tried to get away by running out the front door, but Wolfblack would not let her go. When other family members arrived to help his mother after hearing her scream, Wolfblack finally gave up and ran away.

Wolfblack's mother was treated at Big Horn Community Hospital first. She reported her pain at a level 10 and was given Fentanyl before being transferred to Billings for additional medical treatment. At Billings, Wolfblack's mother was diagnosed with orbital fractures and prescribed morphine for the pain.

Wolfblack's mother was interviewed and the interview was recorded. In addition, she handwrote a statement. Photographs were taken of her injured eye. Additionally, Wolfblack's wife and his mother's husband were interviewed, and confirmed Wolfblack's mother's account of events.

Wolfblack is an enrolled member of the Crow tribe.

DATED this 26th day of March, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney